

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** September 1, 2015  
**RE:** 16-0163CU; 702 Lake Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: UR                      Ward: 3C

Owner/Applicant: City of Burlington / Dept. of Public Works

**Request:** Biennial review of winter snow storage for the city

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations)

### **Background Information:**

The applicant is seeking renewed approval to use a portion of the urban reserve to store snow removed from city streets during winter months. No construction is included in this proposal. This activity was previously permitted January 19, 2010. It was again permitted June 27, 2012. As with all zoning permits for uses within the Urban Reserve, these approvals were valid for only 2 years. This new permit application is for another 2 year approval of the same activity with no changes.

The Conservation Board reviewed and approved the original permit application December 7, 2009. No changes are proposed. As a result, no additional Conservation Board review has taken place.

There are no previous zoning permit actions for this site except for the previous snow storage permits noted above.

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions:

### **I. Findings**

#### **Article 3: Applications and Reviews**

##### ***Part 5, Conditional Use & Major Impact Review:***

*(1) The capacity of existing or planned community facilities;*

The seasonal storage of snow from city streets on this site will have no impact on existing or planned community facilities. It will assist Public Works crews in keeping city streets clear during large snow storms. **(Affirmative finding)**

*(2) The character of the area affected;*

The site is bordered to the east by railroad tracks and to the west by the bike path. The surrounding land is vacant former industrial land. No site alterations or structures are proposed for this seasonal use. The snow storage use is consistent with the character of the area. **(Affirmative finding)**

*(3) Traffic on roads and highways in the vicinity;*

Traffic associated with the seasonal snow storage use depends on the amount of snowfall. Small snow events do not require use of the storage facility, whereas large snow storms do. Information provided states that the facility is used about 4 times during the early morning hours in an average winter. The traffic activity that has the greatest impact on adjacent neighborhoods generally occurs between 3:00 AM and 7:00 AM. In general, traffic impacts, with the exception of truck noise (discussed below), are modest. **(Affirmative finding)**

*(4) Bylaws then in effect;*

As conditioned, the snow storage use complies with all applicable zoning bylaws. **(Affirmative finding)**

*(5) Utilization of renewable energy resources;*

No information has been provided with respect to the use of alternative energies. As no site changes or structures are proposed, the proposed use will not unreasonably deter the actual or potential use of renewable energies by the subject or neighboring properties. **(Affirmative finding)**

*(6) Cumulative impacts of the proposed use;*

The proposed snow storage facility receives limited seasonal use and will generate no substantial cumulative impacts. **(Affirmative finding)**

*(7) Functional family;*

**(Not applicable)**

*(8) Vehicular access points;*

The site is accessed by a driveway from Lake Street. This driveway is sufficient for the use. **(Affirmative finding)**

*(9) Signs;*

No signage is included in this proposal. **(Not applicable)**

*(10) Mitigation measures;*

The snow storage use will generate no glare other than that from truck headlights. Noise from the dump trucks unloading snow can be substantial; however, the limited duration of the facility's use restricts overall noise impacts. Information with the previous application asserts that truck drivers are instructed to pull away slowly so as to not let the tailgates of their trucks slam against the truck

body. This method of dumping snow limits potential noise impacts associated with the activity. **(Affirmative finding)**

*(11) Time limits for construction;*

No construction is included. **(Not applicable)**

*(12) Hours of operation and construction;*

As noted previously, the facility is used seasonally. Early morning snow dumping activities are generally limited to the period between 3:00 AM and 7:00 AM. Information provided states that operations at the snow storage facility take place approximately 4 times per winter. As noted above, noise impacts are reduced by dumping snow slowly and not slamming the tailgates.

**(Affirmative finding)**

*(13) Future enlargement or alterations;*

Any future enlargement or alterations of the snow storage facility will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

*(14) Performance standards;*

As no site or exterior building changes are proposed, the project does not warrant the consideration of performance standards such as nuisances, lighting, and erosion control. **(Affirmative finding)**

*(15) Conditions and safeguards;*

As conditioned, the proposed snow storage facility complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

## **Article 4: Maps & Districts**

### ***Sec. 4.4.7, Urban Reserve District:***

#### ***(a) Purpose***

The snow storage use is seasonal in nature and involves no site alterations or structures. It is identified as one of several uses that may be allowed in the urban reserve. **(Affirmative finding)**

#### ***(b) Dimensional Standards & Density***

The snow storage use involves no structures, lot coverage, or residential units. **(Affirmative finding)**

#### ***(c) Permitted & Conditional Uses***

Seasonal snow storage by the city is a conditional use in the urban reserve and is reviewed under the applicable criteria of these findings. **(Affirmative finding)**

#### ***(d) District Specific Regulations***

***1. Any and all improvements in this district shall be consistent with any and all development and use restrictions and easements as may otherwise be applicable to the property.***

The City Attorney's Office submitted a memo relative to the prior snow storage permit indicating that the snow storage activity is consistent with applicable regulations. As noted above, no changes to the snow storage operation are proposed in this new application. **(Affirmative finding)**

***2. Any authorization granted by the DRB shall include a prescribed duration for the activity after which such authority and all related permits shall expire. The DRB may consider an***

*extension of this time period if such a request has been made prior to expiration. No permit should remain in effect for more than 2 years without reapplication and review pursuant to this section.*

The original zoning permit approval was valid for 2 years. This new zoning permit is also valid for just 2 years. **(Affirmative finding as conditioned)**

*3. As a condition of any approval by the DRB for projects involving temporary construction staging or seasonal snow storage, the site shall be restored to its prior condition once the temporary activity has been completed for which the DRB may require a bond or other necessary surety in a form satisfactory to the city attorney.*

In the spring, after the snow has melted, the site must be cleaned of any trash or debris that was contained in the snow. No financial surety is required. **(Affirmative finding as conditioned)**

## **Article 5: Citywide General Regulations**

### ***Sec. 5.2.3, Lot Coverage Requirements***

**(Not applicable)**

### ***Sec. 5.2.4, Buildable Area Calculation***

**(Not applicable)**

### ***Sec. 5.2.5, Setbacks***

**(Not applicable)**

### ***Sec. 5.2.6, Building Height Limits***

**(Not applicable)**

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

**(Not applicable)**

### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

### ***Sec. 5.5.2, Outdoor Lighting***

**(Not applicable)**

### ***Sec. 5.5.3, Stormwater and Erosion Control***

The Conservation Board reviewed the original application and specifically addressed potential water quality impacts from the melting snow and its proximity to Lake Champlain. The site is contained within an existing berm. Melt water infiltrates into the ground or evaporates. Little runoff leaves the site. As noted before, trash, debris, and sand in the snow is contained and is removed from the area in the spring after the snow melts. No earth disturbance is proposed. Therefore, no erosion control plan is required. **(Affirmative finding)**

## **II. Conditions of Approval**

1. Every spring, after snow in the storage facility has melted, all debris, sand, trash and the like shall be removed from the site, and the site shall be returned to its original condition.

2. **This permit approval is valid for 2 years only.** Continued use of the site for snow storage beyond 2 years will require a new zoning permit per Sec. 4.4.7 (d), *District Specific Regulations*, of the Comprehensive Development Ordinance.
3. Standard conditions 1-15.